

## PROPOSED REGULATION TEXT

### AMEND SECTION 66272.62 TO READ AS FOLLOWS:

#### § 66272.62. Determining the Initial Penalty for Each Violation.

(a) The Enforcement Agency shall determine an initial penalty for each violation, considering potential harm and the extent of deviation from hazardous waste management requirements. The Enforcement Agency shall use the matrix set forth in Subsection 66272.62(d) to determine the initial penalty for each violation.

...

(d) The matrix set forth in this subsection shall be used to determine the initial penalty for a violation. The Enforcement Agency shall select a penalty amount from the range provided in the matrix cell that corresponds to the appropriate extent of deviation and the potential harm categories. The numbers in parenthesis in each cell of the following matrix are the midpoints of the range.

Determination of Initial Penalty Matrix (in dollars)

<i>Extent of Deviation</i>	<i>Potential Harm</i>		
	Major	Moderate	Minimal
Major	<del>25,000</del> <u>70,000</u>	<del>20,000</del> <u>56,000</u>	<del>15,000</del> <u>42,000</u>
	<del>(22,500)</del> <u>(63,000)</u>	<del>(17,500)</del> <u>(49,000)</u>	<del>(10,500)</del> <u>(29,400)</u>
	<del>20,000</del> <u>56,000</u>	<del>15,000</del> <u>42,000</u>	<del>6,000</del> <u>16,800</u>
Moderate	<del>20,000</del> <u>56,000</u>	<del>15,000</del> <u>42,000</u>	<del>6,000</del> <u>16,800</u>
	<del>(17,500)</del> <u>(49,000)</u>	<del>(10,500)</del> <u>(29,400)</u>	<del>(4,000)</del> <u>(11,200)</u>
	<del>15,000</del> <u>42,000</u>	<del>6,000</del> <u>16,800</u>	<del>2,000</del> <u>5,600</u>
Minimal	<del>15,000</del> <u>42,000</u>	<del>6,000</del> <u>16,800</u>	<del>2,000</del> <u>5,600</u>
	<del>(10,500)</del> <u>(29,400)</u>	<del>(4,000)</del> <u>(11,200)</u>	<del>(1,000)</del> <u>(2,800)</u>
	<del>6,000</del> <u>16,800</u>	<del>2,000</del> <u>5,600</u>	0

Note: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25187, 25188, 25189, and 25189.2, Health and Safety Code; and Section 11425.50, Government Code; and 40 CFR Section 19.4.